

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

LOUIS BRIAN OLESEN, II et al.,
Plaintiff,

vs.

Civil Action No. 1:06-CV-959

JOHN MORGAN, Special Agent of the Federal
Bureau of Alcohol, Tobacco Firearms and
Explosives,
Defendant.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

Dreyer, Boyajian Law Firm
75 Columbia Street
Albany, NY 12210

Samuel C. Breslin, Esq.

FOR DEFENDANT:

Office of United States Attorney
138 Delaware Avenue
Buffalo, NY 14202

Mary E. Fleming, AUSA

FREDERICK J. SCULLIN, JR.
SENIOR U.S. DISTRICT JUDGE

**JUDGMENT DISMISSING ACTION
BASED UPON SETTLEMENT**

The parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation

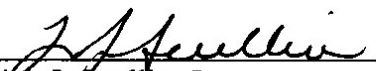
pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, it is not necessary for this action to remain on the court's active docket.

It is therefore hereby

ORDERED, as follows:

- 1) This action is dismissed, with prejudice, except as set forth below.
- 2) The court will retain complete jurisdiction to vacate this order and to reopen the action within three months from the date of this order upon cause shown that the settlement has not been completed and further litigation is necessary.
- 3) The Clerk shall forthwith serve copies of this judgment upon the parties and/or their attorneys appearing in this action by electronic means.

Dated: July 29, 2011
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge